

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEN WELLS,

Defendant.

**8:01CR113**

**ORDER**

This matter is before the court pursuant to a request to appeal, mailed to the Clerk of Court and received on March 12, 2012, by the defendant in this case, but signed by a third person who is not a party to this case. The court has ordered the document filed as a Provisional Notice of Appeal (Filing No. 190). However, a defendant is required to sign his own notice of appeal. See Fed. R. Civ. P. 11(a). Consequently, the notice will not be forwarded to the Eighth Circuit Court of Appeals until such time as the defendant re-files this notice of appeal with his personal signature. The court will give defendant 30 days from the date of this order to file and personally sign his notice of appeal. Failure to do so will result in the striking of his notice of appeal.

THEREFORE, IT IS ORDERED:

1. The Clerk of Court shall file the Provisional Notice of Appeal in cm/ecf.
2. The defendant shall re-file the notice of appeal with his personal signature on the filing **within 30 days from the date of this order**. Failure to do so shall result in the striking of the Provisional Notice of Appeal.

DATED this 14<sup>th</sup> day of March, 2012.

BY THE COURT:

***s/ Joseph F. Bataillon***  
United States District Judge